

REMARKS

The objection to the Abstract has been addressed.

The rejections of Claims 4-7 as being anticipated by Kakuho, Urushihara et al. and Thauer, each under 35 U.S.C. § 102(b) are respectfully traversed, and reconsideration is requested in light of the following comments.

The Office Action has not demonstrated the factual basis needed for establishing a *prima facie* case of anticipation. To the extent that the Patent and Trademark Office contends otherwise after considering the comments below, the Examiner is requested to point out where the features of Claim 4, in particular the compensation occurring when there is a load change in the compression ignition part-load range, are taught or even suggested in any of the cited prior art.

The Thauer patent contains no relevant teachings as regards the occurrence of the theoretical shift in the combustion changer(s) during compression ignition as claimed herein. It merely teaches a phase shifting between the auxiliary piston 8 and the main piston 2.

The Urushihara et al. method merely teaches that during part-load operation the engine is operated with a lean air/fuel ratio, with fuel injection taking place during intake or compression phases depending on engine load or speed.

Similarly, the Kakuho et al. patent merely teaches the idea of stabilizing compression ignition against changes other than load changes. In other words, this patent is addressing entirely different objectives. Applicants do note, however, that the patent also refers [0004] to JP-A 10-266878 that describes changing valve time based upon varying load requests. But even here, Applicants note that only the time for retaining exhaust gas varies, not the phase. That is, the prior art described at [0004] of the Kakuho et al. patent does not carry out phase shift compensation.

Accordingly, early and favorable consideration is now earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.57516US).

Respectfully submitted,



James F. McKeown
Registration No. 25,406

June 12, 2008

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JFM:slw:pcb
dn#5768996